

REMARKS

Claims 1-52 are currently pending in the application. New claims 53-58 are presented for consideration.

Claims 4-17, 21, 32, 33 and 36 stand objected to as each being dependent upon a rejected base claim. Claims 4, 21 and 36 have been rewritten in independent form so as to be allowable. Claims 5-17, 32 and 33 depend cognately from rewritten claim 4 so as to be allowable as well.

Claim 31 stands rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the invention. By amendment herein, the alleged problem under 35 U.S.C. § 112 has been addressed.

Claim 1 stands rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,419,284 (Kutschat) in view of U.S. Patent Application Publication No. 2002/0195826 (Fountaine). Claims 2, 3, 18-20, 22-31, 34, 35 and 37-52 stand rejected under 35 U.S.C. § 103 as obvious over Kutschat in view of Fountaine, and further in view of U.S. Patent No. 5,845,947, to Arabia Jr. et al. (Arabia).

Reconsideration of the rejection of claims 1-3, 18-20, 22-31, 34, 35 and 39-52 and favorable consideration of new claims 53-58 are requested.

Claim 1 has been amended to characterize the base as defining an elongate tubular passageway within which certain of the system components operate.

The Examiner relies on Fountaine for the teaching of a snap fit connection of components/entire assemblies to other elements without the use of fasteners. While applicant does not contend that snap fitting of components in the latching environment is novel, it is respectfully submitted that in the specific environment claimed, the placement

of the actuating assembly into a maintained operative engagement with the base without requiring separate fasteners is unobvious based on the prior art.

First of all, the Federal Circuit has stated that an obviousness rejection based upon multiple references must articulate the motivation, suggestion or teaching that would have led the skilled artist at the time of the invention to combine prior art elements to make the claimed invention.

In the instant case, the mechanisms in Kutschat and Fountaine are very different. Kutschat discloses a latch assembly with rotors to engage a strike element that is operated by an actuator with components extending through an elongate tubular element. To that extent, Kutschat's structure and applicant's are similar. However, Fountaine discloses a self-contained latch device which is press-fit through a window frame element of relatively narrow width to expose a gripping projection 16 and hook beak 11 on opposite sides of the frame element. At best, Fountaine teaches that a self-contained latch device could be snap fit into place without the requirement of separate fasteners. However, given the substantial differences between the structures in Fountaine and Kutschat, one would have to completely redesign Kutschat to allow a corresponding actuating assembly to be operably connected to latch components therein.

Aside from this, Kutschat's design is specifically built around a flexible cable component 16, whereby the corresponding actuating assembly is put in place and adjustably moved relative to the tubular member to allow the proper tensioning of the cable 16. This is described fully in Kutschat's specification in column 12, lines 16-32. Kutschat thus teaches away from a fixed mounting of a corresponding actuating assembly at a predetermined location, as in Fountaine. That is, as noted in column 12 of Kutschat, the

corresponding actuating assembly is put in place and then shifted to tension the cable. It is not clear how this tensioning feature could be arrived at while at the same time putting the actuating assembly in place without requiring separate fasteners. The separate clamping screw 57 is a critical part of the assembly which allows the entire actuating assembly to be maintained in a plurality of different positions as appropriate to tension the cable 16.

Applicant respectfully submits that there is clearly no suggestion to make the combination made by the Examiner. Further, it is submitted that Kutschat and Fountaine are similar only in the respect that they relate to latching mechanisms. In all other significant respects, they are different in such a manner that their combination would not be obvious. Further, since Kutschat teaches specifically away from a structure as claimed, the combination becomes even more clearly improper. One skilled in the art, with Kutschat and Fountaine in hand, would arrive at the structure recited in claim 1 only by using hindsight, with applicant's disclosure issued as a template.

Accordingly, claim 1 is believed allowable.

Claim 2 depends from claim 1 and characterizes the actuating system as comprising a second link that can be operatively engaged with the at least first link within the passage-way without requiring separate fasteners.

In rejecting claim 2 and the remaining claims, the Examiner relies additionally on the disclosure in Arabia.

Applicant respectfully submits that Arabia is likewise not obviously combinable with Kutschat and Fountaine as proposed by the Examiner. While Arabia does relate to a door latch lever, the operating mechanism in Arabia, and that in Kutschat, are very different.

The Examiner relies on Arabia for the disclosure of the connection of the door lock rod 30 to the operating lever 12 without the use of separate fasteners. Applicant acknowledges that this type of rod end connection is not novel, but also submits that one would not obviously combine Arabia with Kutschat or Fountaine to arrive at the structure in claim 2, absent applicant's own teachings and benefitting from the use of hindsight.

Kutschat unequivocally teaches the use of only a flexible cable that can be adjusted to produce the desired operating characteristics. Applicant respectfully submits that it is not only beyond Kutschat's teachings, but inconsistent therewith, to substitute a rigid rod, particularly since the rod relied upon by the Examiner is on an operating mechanism that it is not only not associated with a tubular element, but very different than that in Kutschat.

Claim 18 more particularly characterizes the nature of the base in claim 1 to further distinguish over the cited art.

New claim 53 specifically characterizes the first link as an elongate element with a substantially rigid, thick shape to more specifically distinguish over Kutschat.

New claim 54 depends from claim 1 and characterizes the actuating element as configured to be joined to the first link without requiring the use of separate fasteners.

Again, Kutschat discloses a separate fastener to facilitate joining of components and the cited prior art does not collectively teach or suggest this claimed feature.

Claim 55 depends from claim 53 and more particularly characterizes the configuration of the first link that allows the connection without fasteners.

Claim 56 depends from claim 2 and recites a spring element that acts between the actuating element and second link to urge the actuating element in pivoting movement relative to the base. Kutschat has a spring element 20 that urges the actuating element

in pivoting movement. The spring cooperates between the actuating element and an adjustably fixed button-retaining-body part 100. Kutschat does not teach or suggest that a spring element may act between a corresponding actuating element and second link, as claimed.

Claim 3 has been amended to characterize the first link as having a substantially rigid, fixed shape.

As noted with respect to claim 1, it would not be obvious, based upon the applied art, to modify Kutschat to have such a configuration for the first link in the absence of using applicant's disclosure as a template. Accordingly, claim 3 is believed allowable.

Claim 19 has been amended to characterize the latch system as being on the first support and the first support and tubular element as configured so that the tubular element can be operatively connected to the first support without requiring any separate fasteners.

As seen particularly in Figure 1a of Kutschat, the corresponding connection is maintained by the separate fastener element 37. None of Kutschat, Fountaine, or Arabia teaches or suggests the recited connection between the tubular element and first support. There is no art that suggests establishing the pertinent connection without separate fasteners. Thus, one would be using applicant's disclosure to guide the re-engineering of Kutschat to arrive at the recited structure.

Claim 20 includes the limitation that the tubular element can be selectively connected to the first support in first and second different, predetermined angular orientations around the first axis. This feature is seen particularly in Figure 26. Kutschat does not teach or suggest this limitation. It is not clear where the Examiner alleges the

teaching, suggestion, or motivation to modify Kutschat to arrive at applicant's claimed structure comes from.

Claim 34 recites, among other limitations, a spring element acting between the actuating element and second link to urge the actuating element in pivoting movement relative to the base.

As noted with respect to claim 56, the prior art is devoid of any teaching or suggestion of this limitation.

This same limitation has also been added to claim 35, which for this and other reasons, is believed allowable.

Claim 47 characterizes the first link as having a substantially rigid, fixed shape.

As noted above, it would not be obvious to modify Kutschat to include this configuration for the first link.

The remaining rejected claims, not specifically discussed above, depend directly or indirectly from one of the independent claims, which are all believed to be allowable, and recite further significant structural detail to further distinguish over the prior art.

Reconsideration of the rejection of claims 1-3, 18-20, 22-31, 34, 35 and 39-52, favorable consideration of new claims 53-58, and allowance of the case are requested.

The additional claim fee of \$450.00 is enclosed. Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,

By


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Date: Aug 24, 2006